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Nos. 09-1454 and 09-1478

Supreme Court, U.S.
FILED
DEC 9 - 2010
CLERK

In the Supreme Court of the United States

BOB CAMRETA, Petitioner,

v.

SARAH GREENE, personally and as next friend for S.G., a minor, and K.G., a minor, Respondent.

JAMES ALFORD, Deschutes County Deputy Sheriff, Petitioner,

v.

SARAH GREENE, personally and as next friend for S.G., a minor, and K.G., a minor, Respondent.

On Writs of Certiorari to the United States Court of Appeals for the Ninth Circuit

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED May 27, 2010
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NOTICE

The following items are not contained in the joint appendix because they appear in the appendix to the certiorari petitions in either *Camreta v. Greene*, 09-1454 or *Alford v. Greene*, 09-1478.

Ninth Circuit Opinion ..... App. 1

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U.S. District Court
District of Oregon (Eugene)
CIVIL DOCKET FOR CASE #: 6:05-cv-06047-AA

Greene v. Camreta et al
Assigned to: Chief Judge Ann L. Aiken
Case in other court: Ninth Circuit, 06-35333
Cause: 42:1983 Civil Rights Act

Date Filed: 02/24/2005
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Date Filed	#	Docket Text
02/24/2005	1	Complaint (Civil Rights – 4th Amendment, 14th Amendment, 42 USC 1983) Jury Trial Requested) Filing Fee in amount of $250.00 collected. Receipt No. 600000249 issued. Filed by Sarah Greene against Friesen Terry, Bob Camreta, Deschutes County Sheriff James Alford, Deschutes County, Bob Smit, The Kids Center, Bend Lapine School District. (Cp,) (Entered: 02/24/2005)
05/04/2005	4	Answer to Complaint *and Affirmative Defenses*. Filed by Deschutes County Sheriff James Alford, Deschutes County. (Amberg, Mark) (Entered: 05/04/2005)
10/13/2005	35	Judgment of Dismissal: Plaintiff's claims asserted under 42 USC 1983 against Defendant Bob Smit

		and Defendant the Kids Center in the above-entitled action be and the same hereby are dismissed with prejudice and Defendant Bob Smit and Defendant the Kids Center are awarded their costs in the amount of $389.28. Signed on October 12, 2005 by Judge Ann L. Aiken. (cp,) (Entered: 10/13/2005)
11/23/2005	41	Motion for Summary Judgment. Filed by Bob Camreta. (Kramer, David) (Entered: 11/23/2005)
11/23/2005	42	Concise Statement of Material Fact, *on Behalf of Defendant Bob Camreta*. Filed by Bob Camreta. (Related document(s): Motion for Summary Judgment 41.) (Kramer, David) (Entered: 11/23/2005)
11/23/2005	43	Affidavit of David L. Kramer in Support of Motion *for Summary Judgment*. Filed by Bob Camreta. (Related document(s): Motion for Summary Judgment 41.) (Attachments: #1 #2 #3)(Kramer, David) (Entered: 11/23/2005)
11/23/2005	44	Affidavit of Bob Camreta in Support of Motion *for Summary Judgment*. Filed by Bob Camreta. (Related document(s): Motion for Summary Judgment 41.) (Attachments: #1 #2 #3 #4 #5 #6 #7 #8 #9 #10 #11 #12 #13)(Kramer, David (Entered: 11/23/2005)

11/23/2005	45	Memorandum in Support *of Defendant Camreta's Motion for Summary Judgment*. Filed by Bob Camreta. (Related document(s): Motion for Summary Judgment 41.)(Kramer, David) (Entered: 11/23/2005)
11/23/2005	46	Motion for Summary Judgment. Filed by Deschutes County Sheriff James Alford, Deschutes County. (Amberg, Mark) (Entered: 11/23/2005)
11/23/2005	47	Memorandum in Support *of Motion for Summary Judgment*. Filed by Deschutes County Sheriff James Alford, Deschutes County. (Related document(s): Motion for Summary Judgment 46.)(Amberg, Mark) (Entered: 11/23/2005)
11/23/2005	48	Concise Statement of Material Fact. Filed by Deschutes County Sheriff James Alford, Deschutes County. (Related document(s): Motion for Summary Judgment 46.)(Amberg, Mark) (Entered: 11/23/2005)
11/23/2005	49	Affidavit of Christopher Bell in Support of Motion. Filed by Deschutes County Sheriff James Alford, Deschutes County. (Related document(s): Motion for Summary Judgment 46.) (Attachments: #1 Exhibit Deposition

		pages)(Amberg, Mark) (Entered: 11/23/2005)
11/25/2005	53	Affidavit of Kari A. Furnanz *(Confidential Exhibits to be Filed Separately Under Seal)*. Filed by Friesen Terry, Bend Lapine School District. (Related document(s): Motion for Summary Judgment 50)(Furnanz, Kari) (Entered: 11/25/2005)
11/28/2005	54	Exhibits in support of Affidavit 53 (FILED UNDER SEAL). Filed by Bend Lapine School District.) (cp,) (Entered: 11/29/2005)
01/05/2006	64	Affidavit of Sarah Greene *in Opposition to Defendants' Motions for Summary Judgment*. Filed by all plaintiffs. (Miller, Mikel) (Entered: 01/05/2006)
01/05/2006	65	Affidavit of SG *in Opposition to Defendants' Motions for Summary Judgment*. Filed by all plaintiffs. (Miller, Mikel) (Entered: 01/05/2006)
01/11/2006	72	Reply to Motion for Summary Judgment 50, Motion for Summary Judgment 41, Motion for Summary Judgment 46. Filed by all plaintiffs.(Miller, Mikel) (Entered: 01/11/2006)
01/11/2006	73	Concise Statement of Material Fact. Filed by all plaintiffs. (Related document(s): Motion for

		summary Judgment 41, Motion for Summary Judgment 50, Motion for Summary Judgment 46.)(Miller, Mikel) (Entered: 01/11/2006)
01/11/2006	74	Affidavit of Mikel R. Miller *in Support of Opposition to Defendants' Motions for Summary Judgment*. Filed by all plaintiffs. (Related document(s): Reply to Motion 72.) (Attachments: #1 Exhibit Defendant James Alford's deposition, pages 7, 10, 11, 15 and 20# 2 Exhibit Detective Merlin Toney's report# 3 Exhibit Oregon Interviewing Guidelines)(Miller, Mikel) (Entered: 01/11/2006)
01/11/2006	75	Response to Concise Statement of Material Facts regarding Motion for Summary Judgment 41, Motion for Summary Judgment 50, Motion for Summary Judgment 46. Filed by all plaintiffs.(Miller, Mikel) (Entered: 01/11/2006)
01/11/2006	76	Response to Concise Statement of Material Facts regardng Motion for Summary Judgment 41, Motion for Summary Judgment 50, Motion for Summary Judgment 46 *from Defendant Alford*. Filed by all plaintiffs.(Miller, Mikel) (Entered: 01/11/2006)

01/11/2006	77	Response to Concise Statement of Material Facts regarding Motion for Summery Judgment 41, Motion for Summary Judgment 50, Motion for Summary Judgment 46 *from Defendant Friesen*. Filed by all plaintiffs. (Miller, Mikel) (Entered: 01/11/2006)
01/19/2006	78	Reply *Memorandum in Support of Motion for Summary Judgment*. Filed by Bob Camreta. (Related document(s): Motion for Summary Judgment 41.) (Kramer, David (Entered: 01/19/2006)
01/19/2006	79	Affidavit of David L. Kramer. Filed by Bob Camreta. (Related document(s): Reply 78.)(Kramer, David) (Entered: 01/19/2006)
01/24/2006	85	Reply to *Plaintiffs' Opposition* to Motion for Summary Judgment 46. Filed by Deschutes County Sheriff James Alford, Deschutes County. (Amberg, Mark) (Entered: 01/24/2006)
01/24/2006	86	Response to Concise Statement of Material Facts regarding Motion for Summary Judgment 46. Filed by Deschutes County Sheriff James Alford, Deschutes County. (Amberg, Mark) (Entered: 01/24/2006)
01/24/2006	88	Memorandum in Support *of Objections to Plaintiffs' Concise State-*

		ment of Material Facts and Opposition to Motion for Summary Judgment. Filed by Deschutes County Sheriff James Alford, Deschutes County. (Related document(s): Motion to Strike 87.)(Amberg, Mark) (Entered: 01/24/2006)
03/24/2006	89	**ORDER:** Defendants' Motions for Summary Judgment 41, 46, 50 are granted, and defendants Deschutes County and Deputy Sheriff James Alford's Motion to Strike 87 is Denied. This case is dismissed. Signed on March 23, 2006 by Judge Ann L. Aiken. (cp,) (Entered: 03/24/2006)
03/24/2006	90	Judgment: This action is dismissed. Signed March 24, 2006 by deputy Clerk, C. Pew. (cp,) (Entered: 03/24/2006)
04/19/2006	103	Notice of Appeal to the 9th Circuit. Filed by all plaintiffs. (Miller, Mikel) (Entered: 04/19/2006)

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 06-35333 **Docketed:** 04/27/2006 **Nature of Suit:** 3440 Other Civil Rights **Termed:** 12/10/2009 Greene v. Camreta, et al **Appeal From:** U.S. District Court for Oregon, Eugene **Fee Status:** Paid		
Case Type Information: 1) civil 2) private 3) null		
Originating Court Information: **District:** 0979-6 : CV-05-06047-AA **Trial Judge:** Ann L. Aiken, Chief District Judge **Date Filed:** 02/24/2005 **Date Order/Judgment:** 03/24/2006 **Date NOA Filed:** 04/19/2006		
Prior Cases: None **Current Cases:** None		
04/27/2006	1	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): n. setting schedule as follows: appellee's designation of RT is due 5/9/06,,; appellant shall order

		transcript by 5/19/06; court reporter shall file transcript in DC by 6/19/06; certificate of record shall be filed by 6/26/06 ; appellant's opening brief is due 8/7/06; appellees' brief is due 9/5/06,, ; appellants' reply brief is due 9/18/06; [06-35333] (GR)
09/08/2006	18	Filed original & 15 copies Appellant Sarah Greene opening brief (Informal: n) 23 pages; 5 Excs.; served on 9/6/06 [06-35333] (GV)
11/13/2006	27	Filed original and 15 copies aples Bob Camreta, Deschutes County, James Alford, Bend Lapine SD, Terry Friesen's 43 pages brief, 1 Exc. vols: ; served on 11/9/06 [06- 35333] (CW)
11/24/2006	30	Filed original and 15 copies appellee Bob Camreta's 26 pages brief, ; served on 11/20/06 [06-35333] (CW)
12/27/2006	32	Filed original & 15 copies Sarah Greene reply brief (Informal: n) 10 pages; served on 12/22/06 [06-35333] (GV)
01/17/2007	36	FILED CERTIFIED RECORD ON APPEAL: 1 CLERK'S RECORD & 1

		SEALED DOCUMENT #54. [06-35333] (SD)
03/06/2008	43	ARGUED AND SUBMITTED TO MARSHA S. BERZON, CARLOS T. BEA and PHILIP S. GUTIERREZ. (EU)
12/10/2009	48	FILED OPNION (MARSHA S. BERZON, CARLOS T. BEA and PHILIP S. GUTIERREZ) AFFIRMED IN PART, REVERSED IN PART AND REMANDED. Judge: MSB Authoring. FILED AND ENTERED JUDGMENT. [7158449] (RP)
02/04/2010	54	Filed (ECF) Appellee Bob Camreta petition for rehearing en banc (from 12/10/2009 opinion). Date of service: 02/04/2010. [7220586] (DBT)
02/04/2010	55	Filed (ECF) Appellee James Alford Motion to join in Petition for Rehearing filed on 02/04/2010. Date of service: 02/04/2010. [7220654] —[COURT UPDATE: Corrected docket text to reflect content of filing, resent NDA, 02/05/2010 by AWM] (SG)

02/16/2010	59	Filed order (MARSHA S. BERZON, CARLOS T. BEA and PHILIP S. GUTIERREZ) Appellee James Alford's motion to join Appellee Bob Camreta's petition for rehearing, with suggestion of rehearing en banc, is granted. The California State Association of Counties' motion for leave to file an amicus brief is granted. [7231986] (KKW)
03/01/2010	65	Filed order (MARSHA S. BERZON, CADRLOS T. BEA and PHILIP S. GUITEIRREZ) The full court has been advised of the petition for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The petition for rehearing is denied and the petition for rehearing en banc is rejected. [7247340] (BJB)
03/09/2010	66	MANDATE ISSUED.(MSB, CTB and PSG) [7257313] (SW)

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

SARAH GREENE, personally and as next friend for S. G. a minor and K. G. a minor, Plaintiffs v BOB CAMRETA, DESCHUTES COUNTY DEPUTY SHERIFF JAMES ALFORD, DESCHUTES COUNTY, JANE DOE, BOB SMIT, THE KIDS CENTER, THE BEND LAPINE SCHOOL DISTRICT and TERRY FRIESEN, Defendants.	Case No.: COMPLAINT Civil Rights 4th Amendment 14th Amendment 42 USC § 1983 JURY TRIAL REQUESTED

Plaintiffs, by and through their attorney of record Mikel R. Miller, hereby allege as follows:

JURISDICTIONAL STATEMENT

Plaintiffs' are seeking relief under the U.S. Constitution, 4th and 14th Amendments and 42 USC § 1983 and § 1988, with ancillary State claims. This Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1331 and § 1343 (3).

1.

PARTIES

Plaintiff Sarah Greene is the natural mother of S. G. a minor, and K. G. a minor, all residents of Bend, Oregon. Sarah Greene brings this action on behalf of herself and as next friend for S.G. and K.G.

2.

Bob Camreta, (hereinafter referred to as Camreta) at all times relevant to this action, was an employee of the State of Oregon working for the Department of Human Services, Child Protective Services, (hereinafter referred to as DHS) and is being sued in his individual capacity.

3.

Deputy James Alford, (hereinafter referred to as Alford) was an employee of the Deschutes County Sheriff's Office at all times relevant to this action, and is being sued in his individual and official capacity.

4.

Deschutes County Sheriff's Office is a division of the Deschutes County Government. Deschutes

County is a local government entity located in the State of Oregon.

5.

Jane Doe is an unknown employee of The KIDS INTERVENTION & DIAGNOSTIC SERVICE CENTER (hereinafter referred to as the Center). Bob Smit is the executive director of the Center and personally makes policy and procedure decisions for the Center. The Center is a non profit corporation organized under the laws of the State of Oregon. The Center appears to be a regional assessment center formed pursuant to ORS 418.780 to ORS 418.796. The Center works closely in joint action with local law enforcement agencies (hereinafter referred to as LEA), which include the Deschutes County Sheriffs Office, Camreta and Alford. The Center conducts forensic examinations of children whom are alleged victims of abuse, for LEA and DHS.

6.

The Bend LaPine School District is a local government entity organized pursuant to the statutes of the State of Oregon, and in control of Elk Meadow Elementary school located in Bend, Oregon. Terry Friesen (hereinafter referred to as Friesen) is an employee of the Bend LaPine School District, working at Elk Meadow Elementary School, and is being sued in her official capacity.

FACTS

1.

Prior to February 10, 2003, Nimrod Greene lived with his wife Sarah and their two daughters, S.G., born 1993 and K.G., born 1997. Mr. Greene was a tile mason employed by Franklin Smith, Jr.

2.

On February 10, 2003, Mr. Greene was drinking alcoholic beverages with Mr. Smith at Mr. Smith's residence. After Mr. Greene left his employer's residence, the employer's son, F.S., born 1995, made a statement that he was mad at Mr. Greene because Mr. Greene had tied his shoe laces together. After questioning by the father, F.S. said that Mr. Greene had touched his private parts on the outside of his pants.

3.

Mr. Green was arrested on February 12, 2003 for sexually abusing F.S. Mr. Greene was released on bail the same day after Sarah Greene posted security in the amount of $10,000.00.

4.

On February 24, 2003, Camreta and Alford, went to Elk Meadow Elementary School, located in Bend, Oregon, where S.G. was attending the fourth grade. They informed the personnel at the school they wanted to speak to S.G. Camreta and Alford did not have a warrant, court order, probable cause, or consent of a parent or the child to seize S.G.

5.

Friesen, following the custom and policy of the Bend LaPine School District, went to S.G.'s classroom and seized custody of S.G., removed her from her classroom and transferred her custody to Camreta and Alford. Friesen did not have a warrant, court order, probable cause or consent of a parent or the child. Frieson should have known she did not have authorization to remove S.G. from her class for a non-school purpose. Frieson should have foreseen the emotional trauma and injury her actions would cause S.G. As a result of Frieson's actions Plaintiff S.G. has lost her belief that the school was a safe place and that she could trust the teachers.

6.

The Bend LaPine School District has a custom and policy of unreasonably seizing children for non-school purposes, without a warrant, court order, probable cause or consent of a parent or the child. The school knew that the parents had not consented to this action nor had the parents knowingly authorized the school to consent on behalf of the parent or child.

7.

Camreta and Alford then conducted a custodial interrogation of S.G., for over one (1) hour. They did not contact her parents or seek a court order before conducting the interrogation. They did not allow her to leave the room or contact her parents. This action was an unreasonable seizure and search.

8.

Camreta and Alford conducted the interrogation of S.G. in an incompetent manner designed to elicit false accusations; they asked leading questions; they repeatedly asked S.G. the same questions; they continuously rejected the child's answers if the answers were not what Defendants wanted to hear; they would not let the child leave the room until the child made a statement that they could interpret as a crime committed by the father; and they knowingly failed to preserve a record of the initial interview. Defendants did not comply with any minimally acceptable technique for interviewing children about abuse. Defendants claim that S.G. admitted her Dad touched her in a bad way on her chest and bottom on the outside of her clothes.

9.

As a result of this seizure and custodial interrogation, S.G. suffered severe emotional trauma and was psychologically damaged. She was physically ill, she repeatedly threw up, suffered fear, anxiety, depression, humiliation and invasion of privacy.

10.

After completing the interrogation of S.G., Camreta and Alford contacted Plaintiff Sarah Greene at her home. They were in the home when S.G. got off of the bus. S.G. was extremely upset from the interrogation and ran straight to her bedroom. She was obviously extremely upset and appeared to her mother to be scared and emotionally disturbed. Camreta and Alford interfered and prevented Plaintiff Sarah

Greene from consoling her child. They ordered her not to discuss the matter with the child. Camreta and Plaintiff Sarah Greene then discussed a safety plan in which Sarah Greene agreed that Mr. Greene would not be left alone with the children, and that Sarah would cooperate in having S.G. examined.

11.

Sarah Greene asked if S.G. could be examined by her personal physician Dr. Boehm. Camreta told Sarah the exam had to be done at the Center, but that Dr. Boehm worked at the Center. Sarah Greene agreed to take the children to be examined at the Center. Plaintiff Sarah Greene made it clear to Camreta that she expected to be with S.G. during the exam. On February 27, 2003, Plaintiff Sarah Greene signed a medical release allowing Camreta to obtain S.G.'s medical records.

12.

On March 3, 2003, Plaintiff Sarah Greene contacted the Center and spoke to a woman named Jill. Plaintiff informed Jill that she wanted Dr. Boehm to do the examination of her daughter S.G. because she did not want her daughter traumatized by having an invasive examination performed by a stranger. Plaintiff was informed that Dr. Boehm did not work at the Center. Plaintiff was then informed that an appointment had also been scheduled for her daughter K.G. Plaintiff informed the Center on this date that she wanted to, and intended to, be present during the examination of her daughters S.G. and K.G.

13.

On March 6, 2003, Nimrod Greene was indicted for six counts of sex abuse I, one count against F.S. and 5 counts against his daughter S.G. Mr. Greene was arrested and placed in custody on March 6, 2003.

14.

On March 6, 2003, an attorney, hired by the Greene family, sent a letter to Camreta informing him that the entire family wished to exercise their rights under the 5th amendment to remain silent, and that they would not be meeting with Camreta without a member of the attorney's firm present. Camreta was invited to contact the attorney to arrange a meeting for a mutual exchange of information to put to rest any "legitimate concerns your department may have." All medical releases previously executed were revoked, and Camreta was informed that if he needed any documentation from the family, to contact the attorney.

15.

On March 7, 2003, Dr. Boehm wrote a letter on behalf of S.G. documenting S.G.'s extensive medical history relating to repeated urinary tract infections, chronic antibiotic use, and that S.G. had a problem with cleanliness in the genital area, and that "examination of S.G. genitalia and attention to cleanliness is an important part of care by her parents'. There is certainly no reason for her father to be excluded from performing this case."

16.

On March 11, 2003 Camreta submitted an affidavit to the Deschutes County Juvenile Court seeking a protective order for DHS to take custody of S.G. and K.G. Camreta intentionally and knowingly submitted false information in the affidavit and deliberately omitted relevant and material facts which were known to Camreta. Camreta deliberately misinterpreted statements made by S.G. Camreta knew that a safety plan was in place and that it was being honored by Plaintiff Sarah Greene. Without probable cause to believe the children were in danger he obtained the order to remove the children, and did remove the children from their home. S.G. & K.G. were placed in a foster home. Camreta initiated the removal of the children to aid the LEA investigation, not to protect the children.

17.

On March 11, 2003, Camreta removed the children from Plaintiff Sarah Greene's care, custody and control. At the time he did so he knew that the alleged perpetrator, Nimrod Greene, was in custody and not in the home, and there was no danger to the children. Plaintiff Sarah Greene informed Camreta at that time that she had located an alternative residence in which Nimrod Greene could reside when he was released from custody, so there was no threat of future harm to the children. No reasonable person in Camreta's position could have believed there was good cause to remove the children from their home, even with a court order.

18.

The removal of the children from the home caused Plaintiff Sarah Greene, and Plaintiff S.G. and Plaintiff K.G. to suffer severe emotional trauma and upset. All three Plaintiffs were crying, extremely distraught and extremely fearful. The children permanently lost their trust that their parents could protect them and keep them safe. The family relationship was permanently damaged. The Plaintiffs' sense of security was permanently damaged.

19.

At a shelter care hearing on March 12, 2003, Sarah Greene informed Camreta that she wanted to attend any medical exam of S.G. or K.G.

20.

On March 20, 2003, Plaintiff Sarah Greene went to the Center with the expectation that she would be allowed to be present during the interview and examination of her daughter K.G. The Center attempted to conduct an interrogation of Plaintiff Sarah Greene. Plaintiff Sarah Greene was informed by the Center that Camreta and a detective Toney of the Deschutes County Sheriffs Office would be allowed to watch her interrogation. Plaintiff refused to answer the questions without her attorney.

21.

Jane Doe, complying with the specific policies and procedures put in place by Bob Smit at the Center, ordered Sarah to leave the premises prior to the exam. The Center prevented and refused to allow

Plaintiff Sarah Greene to attend the medical examination of her daughter K.G. The Center refused to allow Plaintiff Sarah Green to remain on the premises while her daughter were examined. The Center knew the mother was not suspected of abusing the child. The Center knew that the mother did not consent to the exam taking place without her being present. The Center did allow Camreta and Toney to remain on the premises and to watch the interview of K.G. In the alternative it was Camreta that ordered that Plaintiff Sarah Greene could not remain on the premises or attend the examination of her daughter.

22.

Plaintiff K.G. was subjected to an invasive medical examination from which she suffered embarrassment, humiliation, and extreme emotional distress. The Center did not have a warrant, court order, probable cause or consent of the parent or child to conduct this invasive examination, and there was no exigent circumstances justifying such a traumatic invasion of Plaintiff K.G.'s privacy.

23.

As a result of the Plaintiff Sarah Greene being denied her parental right to stay with her daughter K.G., Plaintiff Sarah Greene and daughter K.G. suffered humiliation, embarrassment, emotional distress and trauma.

24.

On March 31, 2003, Plaintiff Sarah Greene went to the Center to be there for the examination of her daughter S.G.

25.

Jane Doe, complying with the specific policies and procedures put in place by Bob Smit at the Center, ordered Sarah to leave the premises prior to the exam. The Center prevented and refused to allow Plaintiff Sarah Greene to attend the medical examination of her daughter S.G. The Center refused to allow Plaintiff Sarah Green to remain on the premises while her daughter were examined. The Center knew the mother was not suspected of abusing the child. The Center knew that the mother did not consent to the exam taking place without her being present. The Center did allow Camreta and Toney to remain on the premises and to watch the interview of S.G. In the alternative it was Camreta that ordered that Plaintiff Sarah Greene could not remain on the premises or attend the examination of her daughter.

26.

Plaintiff S.G. was subjected to an invasive medical examination from which she suffered embarrassment, humiliation, and extreme emotional distress. The Center did not have a warrant, court order, probable cause or consent of the parent or child to conduct this invasive examination, and there was no exigent circumstances justifying such a traumatic invasion of Plaintiff S.G.'s privacy.

27.

As a result of the Plaintiff Sarah Greene being denied her parental right to stay with her daughter S.G., Plaintiff Sarah Greene and daughter S.G. suf-

fered humiliation, embarrassment, emotional distress and trauma.

28.

Plaintiff Sarah Greene requested copies of the interview notes and the video tape. As a parent she needed access to her childrens medical records in order to properly parent her children. The Center, according to policies and procedures put in place by Bob Smit refused to provide copies of the children's medical records to Plaintiff Sarah Greene.

29.

The refusal to provide the children's parent with access to the children's medical records caused injury to the family relationship and caused Plaintiff Sarah Greene to suffer fear and emotional trauma.

30.

Camreta, Alford, Frieson, Bend LaPine School District, Jane Doe, Bob Smit and the Center, were persons acting under color of State law at all times relevant to this matter.

31.

At all times relevant to this matter the Defendants failed to respect the rights of Sarah Greene and S.G. & K.G. to a familial relationship, and Defendants caused injury to Plaintiffs by their callous disregard of Plaintiffs' rights.

J. A. 25

Count 1

42 USC § 1983

Violation of the 4th Amendment

Unreasonable Seizure

Defendant Friesen seized Plaintiff S.G, on February 24, 2003. Defendant Friesen made an unreasonable seizure of Plaintiff S.G., when she removed her from her classroom. Defendant Friesen knew or reasonably should have known that the child's parents did not consent to removing the child from the classroom for a non-school related activity. The Defendant's actions were a direct and proximate cause of damages suffered by Plaintiff S.G. as alleged above.

Count 2

42 USC § 1983

Violation Of The 4th & 14th Amendment

Unreasonable Seizure By Bend LaPine School District Custom And Policy Unreasonable Interference in Family Relationships by Bend LaPine School District Custom And Policy

The Bend LaPine School District has a custom and policy of seizing children from classrooms and subjecting them to custodial police interrogations without a warrant, parental consent, or probable cause and exigent circumstances. The Bend LaPine School District has adopted this policy with callous disregard of Plaintiff S.G.'s rights under the 4th Amendment to remain free from unreasonable seizures and in violation of the 14th amendment substantive due process

right of parents to direct the care of their children and rights to protect their children. The custom and policies of the Bend LaPine School District caused the unreasonable seizure of S.G. is a direct and proximate cause of the damages she suffered as alleged as above.

Count 3

42 USC § 1983

Violation of 4th Amendment

Unreasonable Seizure And Search By Camreta and Deputy Alford

Camreta and Alford, conducted an unreasonable search and seizure of Plaintiff S.G. by conducting a custodial interrogation without a warrant, parental consent or probable cause and exigent circumstances.

This unreasonable search and seizure as the direct and proximate cause of S.G.'s damages as alleged above.

Count 4

Deschutes County Sheriffs Office Has A Custom And Policy Of Unreasonable Seizure

The Deschutes County Sheriffs Office has a custom and policy of seizing children from classrooms and subjecting them to custodial police interrogations without a warrant, parental consent, or probable cause and exigent circumstances.

The Deschutes County Sheriffs Office has adopted this policy with callous disregard of Plaintiff S.G.'s rights under the 4th Amendment to remain free from

unreasonable seizures and in violation of the 14th amendment substantive due process right of parents to direct the care of their children and rights to protect their children.

The custom and policies of the Deschutes County Sheriffs Office caused the unreasonable seizure of S.G. is a direct and proximate cause of the damages she suffered as alleged as above.

Count 5

42 USC § 1983

Violation of 14th Amendment Substantive Due Process

Camreta unreasonably removed the children from the care and control of Plaintiff Sarah Greene. Camreta's actions caused undue interference in the family relationship of all Plaintiffs. The unreasonable action is a direct and proximate cause of damages as set forth herein above.

Count 6

42 USC § 1983

Malicious Prosecution By Bob Camreta

Camreta intentionally presented false information to the Court to obtain the protective order to take custody of S.G. and K.G. Camreta's actions were the direct and proximate cause of Plaintiffs' damages as set forth herein above.

Count 7

42 USC § 1983

Violation of 14th amendment

Camreta, Jane Doe, Bob Smit and the Center unreasonably interfered in right of the Plaintiffs to be together during the intrusive medical examination. The unreasonable action of excluding Plaintiff Sarah Green is the direct and proximate cause of damages of Plaintiff Sarah Greene, Plaintiff S.G. and Plaintiff K.G., as set forth herein above.

Count 8

42 USC § 1983

Punitive Damages

Camreta, Alferd, Jane Doe, Bob Smit, and the Center, acted with callous disregard to the family relationship of the Plaintiffs and in clear violation of the 4th amendment.

The Defendants' actions were egregious and beyond any level of acceptable social behavior.

Their actions require an award of punitive damages in an amount to be determined by the jury.

Count 9

Injunctive Relief

Plaintiffs Sarah Greene, S.G., and K.G., ask that the Court issue an injunction against the Bend LaPine School District, preventing the school from seizing children from classrooms for non-school activities,

without a warrant, parental consent, or probable cause and exigent circumstances.

Count 10

Injunctive Relief

Plaintiffs Sarah Greene, S.G., and KG., ask that the Court issue an injunction against the Center, preventing them from conducting invasive physical exams of children without a warrant, other court order, parental consent, or probable cause and exigent circumstances. There is not a complete remedy at law, and an award of damages will not assure there will be no future violation.

Count 11.

Attorney Fees

Plaintiffs request attorney's fees pursuant to 42 USC § 1998. There is not a complete remedy at law, and an award of damages will not assure there will be no future violation.

STATE CLIAMS

False Imprisonment

Camreta and Alford confined Plaintiff S.G. to a small room for purposes of conducting their interrogation.

Defendant Camreta and Defendant Alford intended to confine Plaintiff S.G. for purposes of conducting an interrogation.

Plaintiff S.G. was aware that she was confined and that she was unable to leave.

The confinement of Plaintiff was unlawful.

Defendants' actions were the direct and proximate cause of the Plaintiffs injuries as set forth herein above.

Intentional Infliction Of Emotional Distress On [S.G.] And [K.G.]

Defendant Camreta and Defendant Alford knew with certainty that their conduct would cause severe emotional distress to Plaintiff S.G.

Camreta and Alford's conduct in conducting the custodial interrogation, false imprisonment, and unreasonable search and seizure was outrageous and an extraordinary transgression of socially tolerable behavior.

Camreta and Alford's conduct caused Plaintiff S.G. to suffer severe emotional distress.

Defendants' actions were the direct and proximate cause of the Plaintiffs' injuries as set forth herein above

Wherefore Plaintiffs pray for relief as follows:

1. For compensatory damages of not less than $50,000.00; and

2. For injunctive relief as requested herein; and

3. For punitive damages as appropriate; and

4. For attorney fees pursuant to 42 USC § 1988; and

5. For such other and further relief as the Court deems just.

DATED: February 23, 2005

/s/ Mikel R. Miller

Mikel R. Miller, OSB#91475
Attorney for Plaintiffs
(541) 388-9819

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

SARAH GREENE, personally and as next friend for S. G., a minor and K. G., a minor,

Plaintiff,

v.

Civil. No. 05-6047-AA

BOB CAMRETA; DESCHUTES COUNTY DEPUTY SHERIFF JAMES ALFORD; DESCHUTES COUNTY; JANE DOE; BOB SMIT; THE KIDS CENTER; THE BEND-LaPINE SCHOOL DISTRICT; AND TERRY FRIESEN,

Defendants.

JUDGMENT

This action is dismissed.

Dated: March 24, 2006.

Donald M. Cinnamond, Clerk

/s/ C. Pew

by

C. Pew, Deputy

JUDGMENT **DOCUMENT NO:** _____

Steven Griffin, OSB #94325
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Bend, OR 97701
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Attorneys for Defendant-Appellee James Alford

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SARAH GREENE, personally and as next friend for S.G., a minor, and K.G., a minor,	U.S.C.A. No. 06-35333
Plaintiff-Appellant,	APPELLEE JAMES ALFORD'S MOTION TO JOIN PETITION FOR REHEARING WITH SUGGESTION OF REHEARING *EN BANC* FILED ON BEHALF OF BOB CAMRETA
v.	
BOB CAMRETA; DESCHUTES COUNTY; JAMES ALFORD, Deschutes County Sheriff; BEND LAPINE SCHOOL DISTRICT; TERRY FRIESEN,	
Defendants-Appellees	

Pursuant to Fed. R. App. P. 28(i) and 35(b), defendant-appellee James Alford moves to join in the petition for panel rehearing with suggestion rehearing *en banc* which was filed on behalf of defendant-appellee Bob Camreta.

DATED this 4th day of February, 2010

/s/ Steven Griffin
STEVEN GRIFFIN, OSB #943258
Of Attorneys for
Defendant-Appellee James Alford

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SARAH GREENE, personally and as next friend for S.G., a minor, and K. G., a minor,

Plaintiff-Appellant,

v.

BOB CAMRETA; DESCHUTES COUNTY; JAMES ALFORD; Deschutes County Sheriff; BEND LAPINE SCHOOL DISTRICT; TERRY FRIESEN,

Defendants-Appellees.

No. 06-35333

D.C. No. CV-05-06047-AA
District of Oregon,
Eugene

ORDER

Before: BERZON and BEA, Circuit Judges, and GUTIERREZ,* District Judge.

Appellee James Alford's motion to join Appellee Bob Camreta's petition for rehearing, with suggestion of rehearing en banc, is granted. The California State Association of Counties' motion for leave to file an amicus brief is granted.

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* The Honorable Philip Gutierrez, United States District Court for the Central District of California, sitting by designation.

IN THE CIRCUIT COURT FOR THE STATE OF OREGON IN THE AND FOR THE COUNTY OF DESCHUTES

SARAH GREENE, personally and as next friend for S.G., a minor, And K. G., a minor,

Plaintiff,

vs. No. 05-CV-6047-AA

BOB CAMRETA; DESCHUTES COUNTY, DESCHUTES COUNTY DEPUTY SHERIFF JAMES ALFORD, JANE DOE, BOB SMIT, THE KIDS CENTER, THE BEND LAPINE SCHOOL DISTRICT, and TEACHER'S AIDE, MRS. FRIESEN,

Defendants.

Deposition of JAMES HENRY ALFORD commencing at 1:08 p.m., on Tuesday, August 9, 2005, at the Law Offices of Mikel R. Miller, P.C., 26 Northwest Hawthorne Avenue, Bend, Deschutes County, Oregon, before ALANE R. HARROLD, Court Reporter, CSR #98-0354.

* * *

[Page 7]

* * *

Q. I'm going to ask if you recall a time period

[Page 8]

when you went to Elk Meadow Elementary School with Bob Camreta.

A. I do.

Q. February 24th or 27th?

A. I don't remember the date, either.

Q. You recall the incident, though?

A. Yes, I do.

Q. How did you come to be with Mr. Camreta on that date?

A. They, the Department of Health Services Children's Services, requested what they call an agency assist to have a police officer present during an interview.

* * *

Q. In this situation do you know why DHS wanted an agency assist?

* * *

A. My assumption is that there had been a crime

[Page 9]

that was being investigated or that had been alleged. And when that's the case I would imagine, or

my assumption is, that they would like to have a law enforcement person there to investigate the criminal half of it or portion of the investigation.

* * *

[Page 10]

* * *

Q. When you went to the school, did you have a warrant for either [S.G.] or - - well, [S.G.]?

A. No.

Q. Did you have any kind of court order in your possession - -

A. No.

* * *

[Page 11]

* * *

Q. Did you have parents' consent to go talk to [S.G.]?

A. No.

* * *

Q. Did you ask Mr. Camreta whether or not he had parents' consent?

A. I don't recall.

Q. Is that something that you would typically be concerned about?

A. No.

* * *

[Page 12]

* * *

Q. Would you consider the interview of S.G. to be a school-related function?

A. No.

* * *

[Page 20]

* * *

Q. As part of the equipment they issue you as an officer, do you get a tape recorder?

A. Yes, I do.

Q. Did you use a tape recorder during that interview?

A. No, I did not.

* * *

[Page 22]

* * *

Q. Do you recall anyone telling [S.G.] she didn't have to be there if she didn't want to be?

A. No, I don't recall that.

[Page 23]

Q. Do you recall anyone telling her she could get up and leave if she wanted?

A. No.

* * *

Q. Would you agree that a kid being pulled out of class and stuck in a room with a police officer might think she has to be there?

* * *

A. Yeah.

* * *

[Page 25]

* * *

Q. What do you believe your role was there?

A. I believe that my role was once something criminal had been disclosed to make sure that as far as the investigation was concerned that the investigation portion concerning the criminal matter that those questions were asked. * * *

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SARAH GREENE, personally and as Next friend for S.G., a minor, and K. G., a minor,

Plaintiffs,

vs. Case No. 05-CV-6047-AA

BOB CAMRETA; DESCHUTES COUNTY, DESCHUTES COUNTY DEPUTY SHERIFF JAMES ALFORD, JANE DOE, BOB SMIT, THE KIDS CENTER, THE BEND LAPINE SCHOOL DISTRICT, and TEACHER'S AIDE, MRS. FRIESEN,

Defendants.

Deposition of SARAH RAY GREENE commencing at 1:10 p.m., on Wednesday, July 27, 2005, at 26 N.W. Hawthorne Avenue, Bend, Oregon 97701, before GENIE L. KELLEY, R.P.R., C.M., C.S.R. #90-0149.

* * *

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* * *

Q. Does [S.G.] have any type of learning disability?

A. Comprehension, cognitive, delayed --

Q. Has she been --

A. – processing.

Q. Has she been diagnosed with any mental or developmental problems?

A. She did an – there was an evaluation done by

[Page 70]

Elk Meadow in the third grade and that's when this became apparent, so Elk Meadow is aware of this.

Q. That's when what became apparent?

A. That her cognitive and her comprehension was below normal. They stated she processed things very differently. She was slow to respond or understand.

* * *

[Page 95]

* * *

Q. So do you have any factual information based on your observation of any emotional distress by your daughter at school that day or on the school bus coming home?

A. Yes. She told me during the interrogation she felt like throwing up the whole time. She felt sick.

* * *

A. She told me that night, that night on the 24th.

Q. Before or after your husband had been arrested?

A. Before, on the 24th, the day she came home from the interrogation.

Q. Before or after her father –

A. She threw up five times because I saw it.

* * *

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* * *

A. * * *-- because [S.G.] said all the kids were lined up at the library. That's the time they leave to go back to the school, and [S.G.] had said she saw all the busses lining up, so she was very upset thinking she was going to be missing her bus.

* * *

[Page 143]

* * *

Q. Hang on. What did you ask specifically the day after the police were at your house?

A. I asked her if daddy had ever touched her in way she didn't approve of or didn't like, is there any touching, anything you want to tell me.

Q. What did she say?

A. She said no.

* * *

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* * *

Q. After that day, after that day, did you ever go back to [S.G.] and ask her again whether there had been any sexual touching by her father?

A. Probably a week later I asked her again, giving her time to think and see if there is anything she wants to tell me, if she is holding back or whatever. I just didn't know.

* * *

Q. On that occasion a week later, what did you ask her?

A. I didn't really want to question her at all because I was told not to. She first came to me, made a statement to me, you know, just saying that Camreta kept saying bad things, bad things about dad, and she couldn't understand why they were asking bad things about dad, and I said well, is there anything you want to tell me, anything – did anything happen, has anything ever happened, and she said no. She said he just kept – Camreta just kept asking her what bad things has your daddy done to you, and Mr. Camreta kept

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saying that isn't it, that isn't it, that isn't it, and that's when I called [Nimrod's criminal] investiga-

tors at that point and told them he needed to talk to her because I'm not supposed to talk to her. * * *

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SARAH GREENE, personally and as Next friend for S.G., a minor, and K. G., a minor,

Plaintiffs,

vs. Case No. 05-CV-6047-AA

BOB CAMRETA; DESCHUTES COUNTY, DESCHUTES COUNTY DEPUTY SHERIFF JAMES ALFORD, JANE DOE, BOB SMIT, THE KIDS CENTER, THE BEND/LAPINE SCHOOL DISTRICT, and TEACHER'S AIDE, MRS. FRIESEN,

Defendants.

Deposition of SARAH RAY GREENE – Volume II commencing at 10:00 a.m., on Tuesday, August 30, 2005, at 26 N.W. Hawthorne Avenue, Bend, Oregon 97701, before GENIE L. KELLEY, R.P.R., C.M., C.S.R. #90-0149.

* * *

[Page 251]

* * *

Q. What did she tell you about the interview [with Bob Camreta]?

A. She kept telling me "mom, they kept saying what bad things does your dad do to you," and that's – she just said they kept asking her that over and over and over again.

Q. Did she say who? You say, "they."

A. Camreta. She was referring to Camreta. I

[Page 252]

think she said Mr. Alford didn't say much. He might have asked one or two questions that I recall she said, but I don't know what they were.

* * *

[Page 253]

* * *

Q. What do you recall [S.G.] telling you or talking to you about a couple days later about her interview at school?

A. One thing that was troubling, she said that Mr. Camreta kept saying "that isn't it, that isn't it, and so I realized after she told me that with the first question being "what bad things does your dad do to you," he kept going on and on with that and then he would come in in the end and at the

end I guess she said later he finally just kept saying "that isn't it, that isn't it, that isn't it" to her.

* * *

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* * *

A. * * * Alford's concern I recall when he came to me in the house was their first concern was we want to see [S.G.'s] door, is there a lock, and I said no, there is no lock on her door, there hasn't been a lock on her door since two or three days after we bought the house because I don't put locks on my kids' doors. I want be able to go in as a parent and know what's going on. So he saw then and there there was no lock, yet in the report it does state a lock.

* * *

[Page 255]

A. * * * she did keep telling me she felt sick and nauseous and kept looking at the clock, and she saw the busses come in, she told me. You know, after we discussed the time, we did discuss the time again, because the first time she told me she thought it was about an hour, and then I think we discussed it probably that same 27th I'm guessing, we realized that it wasn't an hour, it was more like two because she told me she could see through the blinds the busses were coming in and them lining up, which happens at about three, and that she went in just after her lunch break, which is an hour, quarter of one she comes back into class.

* * *

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* * *

A. And then she just came in the house, and immediately as she came through the door she said "mom I feel sick," and I was still sitting there having my conversation with Camreta, and she went straight to the bathroom.

* * *

[Page 261]

* * *

Q. You testified earlier – I believe that you said you told Mr. Camreta that basically it was okay with you for [K.G.] and [S.G.] to be evaluated at The KIDS Center.

A. [K.G.] was not an issue at that point. It was just [S.G.] was the concern, and his concern and questions were in regards to [S.G.] and that he wanted her to be checked out at The KIDS Center and asked her – after he informed me what the place was I said I'll take her, give me the appointment right now.

* * *

Q. So you don't object to the fact that [S.G.] and then also [K.G.] ultimately were evaluated at The KIDS Center? You don't object to the fact that they were evaluated there; is that correct?

A. No. I was willing to take them to prove the was no physical harm to my daughters.

* * *

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* * *

Q. So again you are not objecting to the fact – you wouldn't have objected to your daughter S.G. or your daughters being interviewed, your objection is to

[Page 265]

the manner in which the interview took place?

A. Procedures, the manner, absolutely, the whole thing.

* * *

[Page 270]

* * *

A. * * * As I stated before, I'm sure there was a level of intimidation having an officer in a closed room and two strange adults with a nine-year old present and no one else to even inform her of what to do or say, meaning a psychologist from the school. Circumstances under much duress and intimidation, and as I stated earlier with leading questions stating "what bad things does your dad do" and also "that isn't it, that isn't it," what do you think you are going to get from a nine-year-old after two hours? * * *

* * *

[Page 290]

* * *

A. * * * the girls were released to me the day of [S.G.'s] appointment.

* * *

[Page 297]

* * *

Q. * * * The issue is the exam, and the exam if it was not invasive and it was the normal exam that is given by KIDS Center personnel, you were okay with that, weren't you?

A. Yes, because I knew they were not abused. That's why I was willing to expedite the appointments.

* * *

[Page 299]

* * *

Q. What did [S.G.] say to you?

A. Well, the first time was when she kept saying they just didn't stop saying "what bad things does your dad do to you." That one was the first time she said

[Page 300]

anything was that statement.

Q. What else did she say?

A. The second main statement that sticks with me is when she said "Camreta kept saying that isn't it, that isn't it," and I was appalled.

Q. Anything else?

A. I was – she was tired, she told me, really tired, and I think she said she said what she thought they wanted to hear. She just – they kept going on and on. That's the main stuff I remember.

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SARAH GREENE, personally and as Next friend for S.G., a minor, and K. G., a minor,

Plaintiffs,

vs. Case No. 05-CV-6047-AA

BOB CAMRETA; DESCHUTES COUNTY, DESCHUTES COUNTY DEPUTY SHERIFF JAMES ALFORD, JANE DOE, BOB SMIT, THE KIDS CENTER, THE BEND/LAPINE SCHOOL DISTRICT, and TEACHER'S AIDE, MRS. FRIESEN,

Defendants.

Deposition of S.G. commencing at 9:00 a.m., on Thursday, July 28, 2005, at 26 N.W. Hawthorne Avenue, Bend, Oregon 97701, before GENIE L. KELLEY, R.P.R., C.M., C.S.R. #90-0149.

* * *

[Page 29]

* * *

Q. Did you get scared?

A. At what time?

Q. At any time when you were being questioned did you get scared?

A. I was scared and I had a stomach ache and I did not feel good.

Q. What happened when Ms. Friesen then opened the door and you saw the police officer and this other man? What happened at that point?

A. I was not feeling very good.

* * *

[Page 33]

* * *

Q. What time was it when you got there in the

[Page 34]

room?

A. 1:00.

Q. Exactly 1:00?

A. Yes.

* * *

Q. How long were you in the room?

A. Until 3:00, because I looked on the wall, I kept looking at the clock, and every time I turned my head he would be staring at me.

Q. Who would be staring at you?

A. Camreta.

* * *

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* * *

Q. Were you sick?

A. Yes.

Q. Why didn't you tell him?

A. I was too scared.

* * *

Q. Why were you scared?

A. I didn't know what I was doing there.

Q. Did you ask them?

A. No.

Q. Why not?

A. I was too scared to ask him any questions.

* * *

[Page 40]

* * *

Q. Have you ever heard of sexual abuse?

A. No.

* * *

Q. Have you ever seen news stories about kids being abused by adults?

A. No

* * *

[Page 41]

Q. So what did you think they were talking to you about, then, if you have never even heard of abuse? What did you think they were talking to you about?

A. I don't know.

Q. Did you have any idea?

A. No.

* * *

Q. Were you asked questions whether your dad had done anything wrong to you?

A. Yes.

Q. Did you understand what they were asking?

A. No.

* * *

Q. So you are in the room for two hours, you are feeling sick but you don't tell anybody that, right?

A. Yes.

[Page 42]

Q. You are feeling scared but you don't tell anybody that.

A. Yes

Q. You give truthful answers for a couple hours.

A. Yes.

Q. Then you decide to lie?

A. Yes, just to get out of the room.

* * *

Q. Why did you decide to lie?

A. I had a feeling that's what he wanted to hear, just lies, not truth.

* * *

[Page 43]

* * *

Q. What did you tell them that was a lie?

A. That he abused me.

Q. Had you ever heard the word "abuse" before that day?

A. No.

Q. Do you know what abuse means?

A. No.

[Page 44]

Q. Is that the word you used?

A. No.

* * *

Q. So when you lied on purpose and told these that your dad abused you, you were basically saying yes to their questions?

A. Yes.

Q. And what did you think they meant when they used that word?

A. I didn't know.

* * *

[Page 49]

* * *

Q. Did they refuse to let you have water?

A. Yes.

Q. Did you ask for water and they wouldn't give it to you?

A. I did not ask.

Q. Why not?

A. I was too scared.

* * *

[Page 51]

* * *

Q. Did you understand that they were talking about sex?

A. No.

Q. What did abuse mean to you when you used that word?

A. I didn't know what that meant.

* * *

[Page 63]

* * *

Q. Think about it. Didn't you feel guilty that you had lied about your dad?

A. Yes.

* * *

Q. Is that one reason you got sick and threw up?

A. Yes.

* * *

[Page 80]

* * *

Q. Was anybody scary or intimidating besides Mr. Camreta?

A. No.

Q. What were you afraid of when you were talking

[Page 81]

to Mr. Camreta?

A. I was afraid that he was like going to do something.

* * *

[Page 103]

* * *

Q. Do you have a lock on your room?

A. No.

* * *

[Page 152]

* * *

Q. And you said that the deputy did not ask you any questions; is that correct?

A. No, he didn't.

Q. How was he? Was he nice to you when you were in the room?

A. He just sat there.

* * *

[Page 159]

* * *

Q. And your dad did some things to you that for a while you thought was abuse?

A. No.

Q. What physical things did he do to you that you remember referring to when you said he abused you? Did he touch you on your body?

A. No.

Q. Was he touching your body when he was being playful?

A. No.

Q. You said he was tickling your feet.

A. Yes.

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Q. What else was he tickling?

A. Nothing else.

* * *

Mikel R. Miller
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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

SARAH GREENE, personally and as next friend for S. G., a minor, and K. G., a minor,

Plaintiffs

v

BOB CAMRETA, DESCHUTES COUNTY, DESCHUTES COUNTY DEPUTY SHERIFF, JAMES ALFORD, JANE DOE, BOB SMIT, THE KIDS CENTER, THE BEND LAPINE SCHOOL DISTRICT and TEACHER'S AIDE MRS. FRIESEN,

Defendants.

Case No. 05-CV-6047-AA

AFFIDAVIT OF PLAINTIFF SARAH GREENE IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

STATE OF OREGON)
)
County of Deschutes)

I, SARAH GREENE, having been first duly sworn, depose and state:

1. I am one of the Plaintiffs in the above-entitled matter, and I make this affidavit based on my personal knowledge and in support of my opposition to Defendants' Motions for Summary Judgment.

2. I discussed the allegations against my husband with my daughter, S.G., immediately after Mr. Camreta and Deputy Alford informed me of these allegations on February 24, 2003. I simply asked her what she had said to Mr. Camreta. At first she was too upset to talk. She threw up five times that afternoon and couldn't eat dinner. She told me Camreta asked, "what bad things has your dad done?" She told me she told them, "nothing", but that Camreta kept saying, "No, that's not it" and would ask the question again. My daughter has always been easily confused. She often tells stories to divert attention from herself or to make others happy. She was emotionally abused and coerced into making whatever statements Camreta claims.

3. I have reviewed the allegations made by F.S., the alleged victim of my husband. I found it very interesting that when F.S. reported my husband had touched him, the touching that was most upsetting to him was that my husband had tied F.S.'s shoelaces together. F.S. did not claim my husband touched him until questioned by his mom and dad. The alleged

touching was on the outside of F.S.'s clothes while he was sitting down. I have spoken to others in the community and have learned that F.S. has a reputation for being a liar.

4. Even if my husband had actually touched F.S., there was no evidence from F.S. demonstrating that it was not an inadvertent touch. There was no evidence from F.S. implying any kind of sexual intent. Yet all of the adults involved immediately made the assumption that any touching must equal sexual abuse, and then, the prosecution machinery began to roll.

5. I know that the allegations by F.S. were ridiculous, as were the alleged allegations made by my daughter, S.G. My husband elected not to accept a deal, and to take the matter to trial. To our shock, it came back as a hung jury. I believe that the fact there were two sets of allegations was directly responsible for someone on the jury not seeing how foolish the claims were. Despite having favorable polygraphs and psycho-sexual evaluations, the District Attorney insisted they would retry the case against my husband. It became clear that being "not guilty" of a crime was no protection against being convicted (see numerous Innocence Projects.) Having spent our entire life savings and having taken out a second mortgage on our home to pay for the first trial, our family was facing financial ruin. We could not afford to pay an attorney for a second trial. Having learned that it was possible to be convicted even though innocent, and possibly sentenced to prison for up to 22 years, my husband decided to take an Alford plea. The no jail offer from

the District Attorney assured he could remain employed and support his family.

6. When I allowed S.G. to attend public school, I had no knowledge that she could be removed from her classroom and subjected to a custodial interrogation by police and DHS for two hours. Had I known this information, I would have taken all steps within my means to prevent this from happening, including removing her from public school.

7. At no time, did I ever expressly or impliedly give consent to Bend-LaPine School District to remove my daughter from her classroom for the purpose of being subjected to a two-hour custodial interrogation by strange men. The school should have contacted me and asked my permission. I would not have objected to my daughter being questioned in an appropriate manner with a tape recorded statement, done according to accepted practices and with me allowed to be there or at least able to observe my daughter. I wanted to know what she was saying. I did not want an incompetent, untrained and unprofessional social working getting a coerced statement and trying to make her say something and telling me that was what she had said. Someone from the school should have been there to assure my daughter was not subjected to emotional abuse and interrogation techniques designed to elicit false claims of abuse.

8. On February 24, 2003, when Mr. Camreta first came to my home, he and I entered into a Safety Plan in which we agreed that my husband would not be left alone with the children. I honored that Safety

Plan, with the understanding that my children would remain in my home.

9. On March 7, 2003, Mr. Carmeta came to my home to discuss my husband's pending release from jail, and that my husband was no ordered to stay away from our children. At that time, I specifically informed Mr. Camreta that, while it would be significantly detrimental to our family finances, there was a place where my husband could stay so that he would have no contact with my children. I specifically informed Mr. Camreta that I intended to abide by our Safety Plan and that I would take the children to the KIDS Center.

10. On March 7, 2003, I specifically informed Mr. Camreta that I did want my children interviewed at the KIDS Center, and that I would not interfere with them being interviewed. I also specifically informed Mr. Camreta that I wished to attend my children's medical examination, to be there to help them through the emotionally traumatic event.

11. I attended the Shelter Care hearing on March 12, 2003, at which time I asked the Court to return my children to me. Mr. Camreta stood up and informed the Court that there was a specific parental counseling program available through the KIDS Center to teach parents how to act with their children when there are pending allegations. Mr. Camreta specifically asked the Court not to return my children to me until I had taken such a class. The Court agreed, and issued the Shelter Care order, which specifically provided that,

"Court directs DHS to return children to mother's home as soon as Safety Plan is in place and DHS concerns have been addressed."

I had already entered into an acceptable Safety Plan with Bob Camreta prior to the issue of this order and I had confirmed with him that I would continue to abide by the Safety Plan. The children would have been returned to me at Court, had not Mr. Camreta asked that I attend said counseling class.

12. I immediately contacted the KIDS Center and asked them about such parenting programs, and they said one did not exist. At no time did I ever find any counseling program available designed to help parents deal with children with pending sexual abuse allegations. Bob Camreta had no legitimate concerns preventing him from returning the children immediately.

13. Mr. Camreta deliberately and intentionally failed to enter into any type of Safety Plan with me which would have allowed my children to be returned to me. He had no concern for the injury it would create for the children.

14. I showed up at the KIDS Center on March 20, 2003, when I knew my daughter, K.G., was being interviewed and examined. I fully intended to cooperate with the KIDS Center and lend whatever assistance and support I could to my daughter. I was informed at the KIDS Center that, while Bob Camreta and a police detective named Merlin Toney would be allowed to listen to the interview and medical examina-

tion of my daughter, I would be denied that right. I was ordered by the staff at the KIDS Center, who were under orders of Bob Camreta, to leave the premises so that I was denied the ability to lend comfort to my daughter.

15. I showed up at the KIDS Center again on March 31, 2003, for the examination and interview of my daughter, S.G., and was once again ordered by the KIDS Center staff to leave the premises.

16. Only after the KIDS Center confirmed that my daughters had not been abused by their father did DHS withdraw their petition and my children were returned to me.

The above is true and correct to the best of my knowledge and belief.

DATED this 5 day of January, 2006.

/s/ Sarah Greene
SARAH GREENE

SUBSCRIBED AND SWORN to before me this 5th day of January, 2006, by SARAH GREENE.

/s/ Holly L Van Loo
Notary Public for Oregon
My Commission Expires: 1-7-07

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

SARAH GREENE, personally and as next friend for S. G., a minor, and K. G., a minor,

Plaintiffs

Vs.

BOB CAMRETA, DESCHUTES COUNTY, DESCHUTES COUNTY DEPUTY SHERIFF, JAMES ALFORD, JANE DOE, BOB SMIT, THE KIDS CENTER, THE BEND LAPINE SCHOOL DISTRICT and TEACHER'S AIDE MRS. FRIESEN,

Defendants.

Case No. 05-CV-6047-AA

AFFIDAVIT OF SG IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

STATE OF OREGON)
)
County of Deschutes)

I, SG, having been first duly sworn, depose and state:

1. I am "SG", one of the Plaintiffs in the above-entitles action. I make this affidavit based on my personal knowledge and in support of my Opposition to Defendants' Motions for Summary Judgment.

2. At the time of this matter, I was a fourth grade student attending public school at Elk Meadow. My teacher at that time was Lisa Bangert.

3. When I was 9 years old, I just agreed to everything. I had to do what the teachers told me to do. My parents taught me to respect the authority of the school, and instructed me to always do as I was told by the school faculty.

4. On February 24, 2003, I was attending class as usual. Some time after lunch, the school counselor, Terry Friesen, came and told me to get up and leave the class. I believed Ms. Friesen was coming to get me for a school purpose. Ms. Friesen, in the past, had been the one to come get me and take me to speech and tutoring sessions I had been attending at the school.

5. Instead of being taken to one of my normal places, I was taken by Ms. Friesen and delivered into the custody of two men I did not know. One was an armed police officer. I did not believe I was free to leave. I believed that I had to stay and could not

leave. No one explained to me why I was there. No one asked me if I wanted to be there or if I wanted to have my mom with me.

6. I was scared.

7. With an armed police officer there, I thought it must be a serious matter. I didn't know what was going on. The other person that was with the police officer started asking me questions, like he was trying to be my friend or something. But I didn't know who he was. I later learned his name was Bob Camreta. He started asking me if my dad touched me.

8. Then this person started asking me if sometimes my dad touched me all over my body. I thought back to the times when my dad hugged me, kissed me, gave me piggy-back rides, rides on his shoulders and horsey rides. I remembered all of my dad's touches with fondness. He was a very loving father, and I loved hugging and kissing him. These were the touches that I was referring to when I said my dad touched me.

9. So I told the man, yes, my dad touches me all over. And then the man started asking me if sometimes those were bad touches, and I said, no they weren't, but he kept asking me over and over again, and I would say, no, I don't think my dad touched me in a bad way. He would say, "No, that's not it," and then ask me the same question again. For over an hour, Bob Camreta kept asking me the same questions, just in different ways, trying to get me to change my answers. Finally, I just started saying yes to whatever he said. And then after a while, he said I

could go. I believe I was there for two hours. No one came to get me so I got up and went back to my room by myself. When I got back to the room, the lights were out and everyone was at the library. At the library, the kids were getting ready to go and the buses were coming. I had been in there all afternoon. I didn't know what had happened. When I left, my stomach felt upside down and I was confused and disoriented.

10. I got on my bus and went home. My dad was not at the bus stop to meet me like he usually was. I really needed him, because I felt like barfing. I walked home and saw the police car at our house. That upset me. When I got inside the house, the police officer and the other man, Bob Camreta, were there. They were in there talking to my mom and dad, and I didn't know what was going on. I was scared. I went straight to my room. I asked my sister to get me a bucket because I felt like throwing up. Later my mom asked me what had happened. I told her the same people that had been here at our house were at my school asking me questions but that I didn't remember anything except that they had been asking me a lot of questions. I threw up that night, at least five times.

11. About two weeks later they came and took me away from my mom. They put me in a car with a man and a woman I didn't know and they took me away to a place I didn't know in LaPine. The man talked to about my dad and questioned me about my dad all the way down there and I didn't know what to say. I finally said I had a headache and I was going to take

a nap. People kept asking me about "abuse" and I didn't even know what "abuse" was.

12. They placed me in a foster home in LaPine, Oregon and the woman there questioned me every night, repeatedly, about what I had said and what was going on and what I had better say when I went to the KIDS Center.

13. Then I was taken to some doctor's office, but it wasn't my doctor. I was full of strangers I had never seen before. I didn't know who they were. I wish my mom could have been there. I felt very scared and alone.

14. They asked me all sorts of questions and then they looked all over my body, and it was very uncomfortable. I felt like a prisoner and that I had to do everything they told me. I did not want to be examined. I wish I had not had to go through that. I never understood why it was happening to me. They took pictures of my private parts and never asked my permission.

15. If I had known what was going to happen to me and that I had a choice, I would never have gotten out of my seat in the classroom and gone to that room.

16. At my deposition, I don't remember what I said. It went on for almost four hours, and I was disoriented, confused and wanted it over as soon as possible.

The above is true and correct to the best of my knowledge and belief.

DATED this 5 day of January, 2006.

/s/ S.G.
"SG"

SUBSCRIBED AND SWORN to before me this 5th day of January, 2006, by "SG".

/s/ Holly L Van Loo
Notary Public for Oregon
My Commission Expires: 1-7-07